

States—have been alive. That doesn't even count one Senator who was born just days after his first election to represent West Virginia's Sixth Congressional District, and a second who was born just weeks after that.

A dozen men have called the Oval Office his own while Senator BYRD has called the Capitol building his office.

He twice won every single one of West Virginia's 55 counties. And throughout one of the longest political careers in history, no one ever has defeated ROBERT BYRD in a single election.

But though each one of those campaigns—after each of the 12 times he has taken an oath to represent the people of West Virginia—on every single one of the 20,774 days he has served—he has never taken the privilege for granted.

As a former leader of both the majority and the minority caucuses in the Senate, he knows better than most that legislation is the art of compromise. It is telling that the man who has served here longer than any other American has come to the conclusion that we must work together as partners, not partisans, for the good of our country—and, of course, the State of West Virginia.

He has seen partisanship and bipartisanship; war and peace; recession and recovery; and his perspective is invaluable to the way we carry ourselves as U.S. Senators.

Senator BYRD's legislative accomplishments are many, and he continues to accumulate them. And while those accomplishments fortify his incomparable legacy, he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures and customs.

He has not concerned himself with such precision as a pastime or a mere hobby. He has done so because of the unyielding respect he has for the Senate. And on this momentous occasion, I say to my friend that the Senate returns that unyielding respect to him.

By virtue of his longevity, ROBERT BYRD has known and worked with many of the greats of the United States Senate. By virtue of his integrity, he has long since established himself among the greats.

There will never be another Senator like Senator BYRD, and today's milestone is another record that will never be broken.

Congratulations, ROBERT C. BYRD, an orphan who changed history.

RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING SENATOR ROBERT BYRD

Mr. McCONNELL. Mr. President, it has been nearly 30 years now since Sen-

ator BYRD started delivering a series of lectures that ultimately became the book that all of us are familiar with and which all of us admire. And the story of how those lectures came about says a lot about the man who has now served in Congress longer than any other man or woman in the history of our country.

The story goes that it was a quiet Friday morning here in the Senate and Senator BYRD, as the majority leader, went down to the floor without planning to say much of anything at all, except that there wouldn't be any votes that day. But then he looked up to the gallery, and he saw one of his granddaughters up there with some of her classmates, and he thought it might be a good idea if they had something to talk about when they got back to school.

So, quite extemporaneously and quite by happenstance, he delivered a speech to an empty Chamber on the history of the Senate. A week went by, and the same thing happened again. Senator BYRD came to the floor to make some brief statement about the floor business. He looked up to the gallery, and he saw another one of his granddaughters. Of course he couldn't give a history lesson to one and not to another. So he gave another history lesson.

Well, 7 years and about 2 million words later, he stopped giving those history lessons. And now we will always have them. And we are grateful for that, and for this man. ROBERT BYRD once said that what is sometimes considered to be the result of genius is more the result of persistence, perseverance, and hard work. To be a good Senator, he said, one has to work at it. And now, longer than anyone else in our history, he has lived by those words.

Today, ROBERT CARLYLE BYRD sets a record that has been more than 56 years in the making. The records just keep adding up. Three years ago, he became the longest serving Senator in our Nation's history. A few months after that, he became the only person ever elected to nine full terms in the Senate. He has now served in the U.S. Congress for 20,774 days.

He has cast 18,500 votes in the well of this Chamber. He is the longest serving member of the Senate Appropriations Committee. He has presided over the Senate's shortest session and its longest continuous session. He is the only sitting Member of Congress to receive a law degree, a degree that was presented to him by President John F. Kennedy, just one of 12 Presidents that Senator BYRD has served alongside during his distinguished career.

Senator BYRD will tell you that he has been anchored over the years by the values he learned at the feet of his foster parents, by the support and love of his beloved Erma, whom we were all sad to lose, by the U.S. Constitution, and by his faith in God. In a long life, he has known his share of hardships

and triumphs. But he has run the race as if to win. He is still at it and we are grateful for his astonishing record of service to the people of West Virginia, to the United States Senate, and to the Nation he loves.

In achieving this latest milestone, Senator BYRD surpasses a former colleague of his—Carl Hayden, another legendary figure who served the people of Arizona in the Senate for 42 years. Carl Hayden was known to many as the "Silent Senator." That probably isn't a phrase many would use to describe Senator BYRD. But what they both share is an undying love of this great country of ours and of the U.S. Congress. So I would like to join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family in celebrating this historic occasion. Senator BYRD, congratulations.

GUANTANAMO

Mr. McCONNELL. Mr. President, this morning, the Attorney General will appear before the Senate Judiciary Committee for an oversight hearing. Among other matters, he will be asked questions about the Administration's recent decision to voluntarily bring terrorist detainees from Guantanamo Bay, Cuba, into the United States, including for purposes of civilian trial.

I, myself, have questions for the Attorney General.

The administration justifies sending Kahlid Sheik Mohammed and his fellow 9/11 plotters to civilian court, while prosecuting other foreign terrorists in military commissions because, it says, the former targeted civilians on American soil, while the latter attacked military targets overseas, like the warship USS *Cole*. I find this a truly troubling distinction.

First, is that rationale not internally inconsistent and, frankly, disingenuous? Everyone knows the Pentagon is a military target. Indeed, it is our Nation's foremost military command and control installation. What does it say to the military families of those service men and women who were killed that day to ignore that Kahlid Sheik Mohammed attacked a military target on 9/11?

Second, under this rationale, is the administration not telling terrorists that if they target defenseless U.S. civilians on our own soil they will get the rights and privileges of American citizens, whereas if they attack a military target, like the USS *Cole*, which can defend itself, they will not get these rights and privileges? Does that approach not reward terrorists with benefits—like potentially providing them access to sensitive information, and providing them a platform for propagandizing—for attacking civilians here in the U.S., rather than military targets abroad?

In short, I think the administration has made an ill-advised decision by bringing foreign terrorists from Guantanamo Bay into the United States. There are a lot of well-known

downsides and dangers from doing so. I have not heard of any benefit to us of bringing these terrorists here.

In his testimony before the Judiciary Committee today, the Attorney General has the opportunity to explain the administration's decision—something he has yet to do before the Senate.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, at a time when unemployment is at a 25-year high and with a Federal deficit breaking the \$12 trillion mark, the House of Representatives passed a health care bill that raises taxes more than \$700 billion. This is the House-passed health care bill on this desk. I expect the Senate version, which may be produced today, will be of similar size.

Who gets taxed under the House-passed bill? Let's take a look.

At the top of the list is small business. A small business surtax in the bill takes \$150 billion out of our job creators. That is on page 344 of this massive 2,000-page House bill. We all know small businesses are the biggest job generators in the country. They employ well over half of those who have employment in our country.

Second, we have an employer tax. The employer tax raises \$135 billion in taxes through a new mandate on employers. That is on page 281 of this massive 2,000-page bill. The NFIB, the National Federation of Independent Business, which represents small business, estimates that mandate would cost about 1.6 million jobs. That is a 1.6 million job-killing tax at a time when the national unemployment rate is 10.2 percent.

Insured Americans, item No. 4 on this chart—let's look at the tax on insured Americans. Billions of new taxes to pay for comparative effectiveness research rationing in this 2,000-page bill. That is on page 1179, a tax on those who are insured.

Then we have attacks on those who are uninsured, item 3 on the chart. They get taxed as well, a 2.5-percent income tax on the uninsured. That is on page 303 of this roughly 2,000-page bill.

Medical devices, upon which those who are sick depend heavily, will also be taxed. People needing lifesaving medical devices will also receive a tax increase, on page 347 of this massive 2,000-page bill. There will be a \$20 billion tax on medical devices. Of course, that will be passed straight on to the consumers. So that will, in effect, be a tax on those Americans who are sick and who need medical devices.

There is also a tax on the chronically ill. On page 332 of this 2,000-page effort to restructure the American health care system, we find flexible spending accounts would be capped at \$2,500 and phased out over time. How does that affect the chronically ill? As a result, tens of millions of families, many of whom are managing chronic illnesses, will see billions in tax-saving benefits

from these FSAs wiped out, right here on page 332 of this 2,000-page bill.

What does all this mean to small business? David Boland is the manager at Boland Maloney Lumber, Louisville. He wrote to my office to say what it means:

Health care reform that does nothing to control costs—

And we already know from CBO and from the actuaries that the Health and Human Services bill does not control costs—

but merely increases the burden on small businesses through mandates and tax hikes is a dangerous and risky proposition that will imperil my company and our national recovery.

Don't take it from me; listen to David Boland. He gets it. He knows that slashing Medicare, increasing premiums, and raising taxes in a recession is not reform.

It was actually a front-page story in the Washington Post this morning, a company in Louisville that kind of underscores what I am talking about. The front-page story in today's Washington Post describes the ongoing struggles of a small manufacturer in my hometown of Louisville who is fighting to save jobs. This business owner wants to be more productive so he can hold onto his workers. But all of these crushing taxes, many of which would apply to his company, are simply not going to be helpful.

Finally, yesterday I spoke about Medicare cuts, the massive Medicare cuts in this bill we are shortly going to be considering. It is important to remember that Senate Democrats recently tried to pass a so-called doc fix that would have forced seniors to pay higher premiums on top of \$½ trillion they want to cut from Medicare. Fortunately, this bill was rejected by a wide bipartisan majority. While we all think this problem needs to be addressed, this is not the way to do it. I am confident that should a similar bill pass the House later this week, we will reject it again on a bipartisan basis.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with the Senator from West Virginia recognized to speak first and the next hour under the control of the majority leader or his designee and the next hour under the control of the Republican leader or his designee, with Senators, after Senator ROCKEFELLER, permitted to speak for up to 10 minutes.

The Senator from West Virginia is recognized.

CONGRATULATING SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I could not be prouder to rise today to congratulate a public servant without any peer at all, that being Senator ROBERT C. BYRD of West Virginia. On this actually very momentous day, November 18, 2009, my dear friend and colleague becomes the longest serving Member of Congress in the history of this Nation. On Friday, he will also celebrate a warm and joyous birthday.

Senator BYRD passes the incredible Carl Hayden of Arizona who served honorably in the House and then the Senate for 56 years, 319 days. We come together today as an institution to recognize that no Senator in history has cast more votes or has been elected by his colleagues to more leadership positions than ROBERT C. BYRD, no one else—a sign of the enormous warmth and tremendous respect and the unwavering admiration we all share for Senator ROBERT C. BYRD.

I am lucky every day to call Senator BYRD my friend, as I have been able to work with him in the Senate for the last 25 years and for the preceding 8 years when I was a Governor. But most importantly and most powerfully, Senator BYRD always makes me so very proud to be a West Virginian.

At our State capitol in Charleston, they are honoring Senator BYRD with a special celebration today. The same is happening in small towns, cities and communities all across our State. My fellow West Virginians are giving thanks for Senator BYRD's voice and for his vision. We are grateful for his strength and his rock-solid principle, which over the years has come to define West Virginia as surely as our endless hills and beautiful streams.

The people of my State love and respect Senator ROBERT C. BYRD, in part because so many share his very powerful story. So many have battled against the odds and continue to fight every day to try to make a better life for themselves and for their community. They are proud of their State, even knowing their State is not known by many, but they take pride in their unity.

Senator BYRD learned early in life what it meant to be loyal, have a strong work ethic, and possess an untiring faith in God. And it was these values these innately West Virginia values that guided his every action, and made him such a strong fighter for our State. Even in the hardest, youngest days of his life, Senator ROBERT C. BYRD never grew discouraged. It was not his nature. Growing up, he faced enormous challenges, but he had something called an iron will and he had a sense of purpose.

Now years later, we can sum up that purpose with the phrase "fighting for West Virginia." It has always rung true, whether it is his 50th birthday or, in fact, his 92nd birthday. Whether he was a freshman in the House or the Senate's longest serving Member, it